

This chapter describes the most common and most significant violations noted by inspectors from the County of San Diego Department of Environmental Health Hazardous Materials Division (HMD) and the State of California Department of Toxic Substances Control (DTSC). Significant Violations are noted with an * and are violations most likely to pose a threat to your workers and or the environment. These are provided first as a list, and then described in more detail with information on how to avoid these violations and correct them.

Most Common Violations

- 1-Hazardous waste containers without labels
- 2-Hazardous waste onsite >90/180/270 days *
- 3-Hazardous waste containers not closed
- 4-Hazardous waste determination not properly made *
- 5-Hazardous materials without proper labels
- 6-Unauthorized disposal of hazardous waste*
- 7-Did not clean up spill to floor *
- 8-No biennial report to DTSC
- 9-Failure to segregate incompatible wastes
- 10-Hazardous waste tanks without a professional engineer (PE) assessment *
- 11-No Phase I Environmental Assessment (Tiered Permitting Facility)
- 12-Secondary containment not kept empty
- 13-Unified Program Facility Permit not obtained
- 14-Failure to notify for treatment of hazardous waste *
- 15-Failure to provide adequate secondary containment
- 16-Failure to prepare a written waste analysis plan for Permit by Rule (PBR) facilities
- 17-Hazardous Materials Business Plan – inadequate site map
- 18-Training program inadequate *
- 19-Training records not available

Hazardous waste containers w/o labels: ¹ Tanks or containers that are used to hold hazardous waste must be labeled with certain information, including:

- The name and address of your facility;
- The date the first drop of waste was placed in the tank or container (the accumulation start date);
- The identity or source of the waste (for example, spent plating solution);
- What makes the waste hazardous (for example, does it contain cyanide, dissolved metals, or acid?);
- The hazardous characteristic of the waste (is the waste toxic, corrosive, ignitable, or reactive?); and
- The physical state of the waste (is it liquid or solid?).

Note: Completing daily or weekly inspections can help prevent this violation. Refer to Chapter 4.

Hazardous waste onsite >90/180/270 days: ² Having accumulation dates clearly marked on all containers of hazardous waste, completing weekly inspections, and keeping a log of the amount of hazardous waste generated on a monthly basis will help in meeting storage time limits. Regular scheduled shipments of hazardous waste can also ensure that accumulation times are not exceeded. See Chapter 4 for additional information on storage times.

Hazardous materials without proper labels: ³ All containers must be labeled. Materials that are not labeled can be designated as hazardous waste by an inspector, if labels are not corrected. Fire and safety codes also require specific marking and labeling of hazardous materials.

Hazardous waste container not closed: ⁴ Keep all containers closed when not adding or removing waste. Training employees to keep containers closed and conducting routine inspections of your waste collection containers will help prevent this violation.

Hazardous waste determination not properly made: ⁵ It is the generator's responsibility to determine if the waste generated is hazardous or not. See Chapter 2 for more information on making a waste determination.

Hazardous Materials Business Plan – inadequate site map: ⁶ Annually review your site map to make sure that it reflects actual site conditions. Adding or removing plating tanks, addition of chemicals and site construction are all reasons to update your site map. **Note:** A site map for a plating shop can have multiple pages such as an overview page showing the facility and surrounding area with additional pages showing the locations of plating lines and chemical and hazardous waste storage areas.

Did not clean up spill to floor: ⁷ When a material is spilled onto the ground or onto the floor of your facility, it becomes a waste if, due to the spill, it can no longer be used for its original purpose. For example, if a plating bath solution spills on the floor of your facility and you cannot return it to your plating bath, the spilled plating solution becomes a waste. If the plating solution is hazardous, then the spilled plating solution would be a hazardous waste. You must clean up all spilled hazardous waste immediately when the spill occurs. Even if the spilled material is not waste because it can be reused, you still must clean up the spilled material immediately when the spill occurs so that it does not harm your employees or the environment. Failure to clean up spilled hazardous waste or materials is considered a serious violation because it poses a threat to the health and safety of your employees and to the environment. Any spilled hazardous waste should be placed in an appropriately labeled container or hazardous waste tank, and either treated onsite (if the facility is authorized to treat the waste), or transferred offsite to a facility that is permitted to treat, store, or dispose of the waste. **Note:** Floors should not be routinely used to collect drag out, rinses, etc. Your plating line should be designed and operated using diverters, rinse tanks, etc. so that the floors remain clean and dry.

Training program inadequate: ⁸ Lack of training is often the root cause of violations. You must train all of your employees that manage hazardous waste. Training requirements should include a program of classroom instruction or on-the-job training that teaches each employee involved with hazardous waste management to perform their duties in a way that ensures the facility's compliance with applicable regulatory requirements. See Chapter 7 for more details on training requirements. **Note:** Completing the simple training form included in the HMD

business plan handout and documenting that the training is given annually may, in most cases, prevent training related violations.

Training records not available: ⁹ A large quantity generator (greater than 1000 kg/month of hazardous waste) must maintain training records. A one page form is available in Appendix X which may be used to meet this requirement. See Chapter 13 for record keeping and Chapter 7 for training requirements.

No biennial report to DTSC: ¹⁰ A large quantity generator (greater than 1000 kg/month of RCRA hazardous waste) must complete a biennial report. Document your monthly hazardous waste generation to see if you are a RCRA large quantity generator and if you are, complete the required report, using the information you have collected. Maintain a copy of the report onsite.

Hazardous Waste tanks without a PE assessment: ¹¹ If you use tanks to hold or treat hazardous waste, you must have a current written, certified assessment for all hazardous waste tanks and associated ancillary equipment (e.g., piping, pumps, etc.) on file at the facility where your tanks are located. The assessment must be current (most are good for five years), and must be certified by an independent registered California professional engineer. If you do not have an assessment or your assessment does not cover all required components, it will need to be corrected. See chapter 10 for additional information on Hazardous Waste Tank standards. **Note:** When looking for an engineer, check references, and ask for examples of work. It is also recommended that the engineer understands that the certification will need to be reviewed and accepted by your HMD inspector. The assessment should not be considered complete until approved.

No Phase I Environmental Assessment (Tiered Permitting Facility): ¹² As a part of the tiered permitting process for hazardous waste treatment, your facility must have completed a Phase I Environmental Assessment and sent it (or a summary checklist of the findings) to DTSC. This is a review of records and site history to identify any past spills, releases, or environmental issues. An outside environmental consulting or real estate company normally must be hired to complete this assessment. A knowledgeable facility owner or operator may complete the assessment.

Secondary containment not kept empty: ¹³ Most hazardous waste tanks must have secondary containment. You must not allow any spilled liquids, whether or not they are hazardous, or any spilled hazardous waste, to remain in the secondary containment of your hazardous waste tank system. While you must clean up spilled hazardous waste and hazardous materials from the floor of your facility immediately when the spill occurs, you must clean up all spilled liquids in your secondary containment, whether or not the spilled liquid is a hazardous waste, within 24 hours of when the spill occurs, or in a timely manner. **Note:** Secondary containment should not be routinely used to collect drag out, rinses, etc. Your plating line should be designed and operated using diverters, rinse tanks, etc. so that the secondary containment remains clean and dry.

Unified Program Facility Permit not obtained: ¹⁴ If you have hazardous materials or hazardous waste onsite in reportable quantities, you must obtain and maintain your Unified Facility Permit with HMD. You must obtain a new permit if your business relocates or changes ownership. Invoices are sent each year and when paid, a new permit is issued. If an invoice is

not received, contact your inspector or the Hazardous Materials Duty Specialist at (619) 338-2231. Note: Posting the permit in a visible place makes it easy to find and verify that it is current.

Failure to notify for treatment of hazardous waste: ¹⁵ You must obtain a permit or grant of authorization from the HMD before you treat any hazardous waste. This authorization may be in the form of a tiered permit (see Chapter 11). All hazardous waste treatment activities require a permit or grant of authorization, unless the specific treatment activity is exempt or excluded from the requirements for a permit or authorization. Examples of hazardous waste treatment include cleaning plating bath filters to remove plating bath residues, electrowinning of cyanide-bearing wastes, evaporation of liquid wastes by addition of heat or chemicals, or any other activity designed to change the hazardous characteristics or properties of the waste. You may contact HMD for assistance with obtaining the appropriate permit to treat your hazardous wastes. ***Only DTSC can issue permits for the treatment of extremely hazardous waste.*** Thus, the treatment of rinse waters containing cyanide, plating bath residues containing cyanide, or plating bath filters containing cyanide, all require a permit or grant of authorization from DTSC. The rinsing of filters that contain plating bath residues from cyanide plating processes, and the treatment of the cyanide in the water that was used to rinse those filters, is hazardous waste treatment that requires a permit or grant of authorization from DTSC. **Note:** Pre-treatment of wastewater that is discharged to the sewer may also be considered treatment of hazardous waste. See chapter 12 for the relationship between hazardous waste treatment and industrial waste water pre-treatment.

Unauthorized disposal of hazardous waste: ¹⁶ The release of hazardous waste to the ground, sewer, or to the local landfill is one of the most significant violations and is most often caused by a failure to make a proper waste determination (see Chapter 2). Waste that has not been evaluated or analyzed is often assumed by facilities to be non-hazardous and is mismanaged. Examples include buffing and grinding dusts, spent powder coating materials, filters and rinse waters. In order to avoid this violation make good, detailed waste determinations and then train employees on proper management of each individual waste stream.

Failure to provide adequate secondary containment: ¹⁷ You may have to provide secondary containment for your hazardous waste tank system depending on the age of your facility, the date your tank system was installed, and the types of waste managed in the tanks. See chapter 10 for more details on hazardous waste tanks systems. Nearly all hazardous waste tank systems used to treat waste under the PBR or CA onsite treatment tiers must have secondary containment. If your tank system requires secondary containment, then the written certified tank system assessment described above must include a description of your secondary containment system, and must contain written statements, certified by an independent, *qualified* professional engineer registered in California, indicating that your secondary containment is in compliance with applicable regulatory requirements. You may not have to provide secondary containment for the above ground piping connected to the tanks if you inspect your tank system daily, including the piping, for signs of corrosion or leaks. **NOTE:** If you are required to upgrade your tank system to provide secondary containment, you will also be required to provide an engineering certification for the secondary containment.

Failure to segregate incompatible wastes: ¹⁸ You must segregate your incompatible or reactive wastes, such as cyanide waste and acidic waste. If waste containing cyanide accidentally mixes

with acidic waste, it might generate poisonous hydrogen cyanide gas that could harm you or your employees. **ALL** containers holding incompatible or reactive wastes, whether or not those containers are being used to treat the waste, must be separated by means of a dike, berm, wall, or other devices that are capable of keeping the wastes from mixing if a spill occurred. You must segregate **ALL** tanks or containers holding cyanide-bearing waste from all tanks or containers holding incompatible wastes. You must also make sure that **ALL** tanks or containers holding cyanide-bearing wastes are segregated from any containers holding acidic material, whether or not the acidic material is a waste.

Failure to prepare a written waste analysis plan for Permit by Rule (PBR) facilities: ¹⁹

If you treat your hazardous wastes under a PBR, you must prepare a waste analysis plan, and keep this plan at the same facility where you are treating your hazardous wastes. The waste analysis plan must specify:

- a. The specific wastes and the specific constituents in the waste that must be tested to determine the hazardous characteristics of your waste. For example, rinse water from electroplating operations may need to be analyzed for the metal concentration of the waste;
- b. The specific methods that will be used to analyze your hazardous waste;
- c. The sampling and sample management methods that will be used to obtain a sample of your waste for analysis; and
- d. How frequently the analysis needs to be repeated to ensure that the analysis is accurate and up-to-date.

Your hazardous waste that is to be treated under PBR must be analyzed according to your waste analysis plan. You must maintain this “waste analysis record” at the same facility where you are treating your waste. **Note:** Facilities operating under Conditional Authorization or Conditional Exemption do not require a written waste analysis plan and records, but still must maintain sufficient documentation to show that they know the hazardous characteristics of their waste, and that the treatment method is suitable for reducing the hazardous characteristics of their waste (See Chapter 2, Waste Determination).

REFERENCES:

1. Title 22 California Code of Regulations (CCR) Section 66262.34
2. Title 22 CCR Section 66262.34
3. California Health & Safety Code Section 25124(b)(3)
4. Title 22 CCR Section 66265.173
5. Title 22 CCR Section 66262.11
6. California Health & Safety Code Section 25509
7. Title 22 CCR Sections 66262.34(a)(1)(A); 66262.34(d)(2); 66262.34(d)(4), 66262.34(a)(2) and 66262.34(a)(3)
8. Title 22 CCR Section 66265.16
9. Title 22 CCR Section 66265.16
10. Title 22 CCR Section 66265.41

11. Title 22 CCR Sections 66265.191 or 66265.192
12. California Health & Safety Code Section 25200.14
13. Title 22 CCR Sections 66265.196(b) and (c); 66265.194(b) and (c)
14. San Diego County Code of Regulatory Ordinances Section 68.905
15. California Health & Safety Code Section 25201(a)
16. California Health & Safety Code Section 25189.5(a)
17. Title 22 CCR Section 66265.193
18. Title 22 CCR Section 66265.177
19. Title 22 CCR Section 67450.3(c)(9)(A)